



**COVID-19 TEMPORARY USE PERMIT APPLICATION**

*For Outdoor Dining*

DEVELOPMENT SERVICES DEPARTMENT

*Applications must be completed legibly and in entirety.*

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The purpose of the COVID-19 Temporary Use Permit (TUP) Application is to provide the flexibility for restaurants, breweries, and wineries to temporarily expand their footprint into parking lots or other common areas to accommodate dine-in services while also implementing safe social distancing guidelines. The processing time for a COVID-19 TUP is typically one (1) to two (2) business days.

**BUSINESS NAME:** \_\_\_\_\_ **BUSINESS PHONE:** \_\_\_\_\_

**MAILING ADDRESS:** (for licenses and notices)

\_\_\_\_\_ Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code

**BUSINESS LOCATION ADDRESS:** (PO Boxes / commercial mailboxes **not valid**)

\_\_\_\_\_ Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code

**WEBSITE:** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

**BUSINESS OWNER NAME:** \_\_\_\_\_ **BUSINESS OWNER PHONE:** \_\_\_\_\_

**PROPERTY OWNER NAME:** \_\_\_\_\_ **PROPERTY OWNER PHONE:** \_\_\_\_\_

**PROPERTY OWNER ADDRESS:** (Residence of owner if sole proprietorship; headquarter location if corporation)

\_\_\_\_\_ Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code

**LAND USE DESIGNATION:** \_\_\_\_\_ **HOURS OF OPERATION:** (Include peak hours) \_\_\_\_\_

**OCCUPANCY/SEATING INFORMATION:**

How many square feet is the building/suite your business is located? \_\_\_\_\_

How many seats is this restaurant, winery, or brewery approved for? \_\_\_\_\_

What is the total number of indoor seating with reduced capacity? \_\_\_\_\_

What is the total number of seats to be used for outdoor dining? \_\_\_\_\_

What is the total number of seats proposed for both indoor and outdoor seating? \_\_\_\_\_

**PARKING INFORMATION:**

How many parking spaces are provided on the entire site? \_\_\_\_\_

How many parking spaces are required for your business? \_\_\_\_\_

How many parking spaces will be used for Additional Outdoor Seating? \_\_\_\_\_

**ABC LICENSE INFORMATION:**

Does the business have an existing ABC License? \_\_\_\_\_ Type: \_\_\_\_\_ Is it proposed in the outdoor seating? \_\_\_\_\_

**I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct**

Print Name

Signature of Owner or Designated Representative

Date

*Please Note: All businesses must comply with all applicable City, County, State, and Federal laws and regulations. The business owner/operator is responsible for obtaining all necessary permits, licenses, or approvals.*

## **PART A: TEMPORARY USE PERMIT SUBMITTAL CHECKLIST**

**+ ALL ITEMS MUST BE INCLUDED AT THE TIME OF FILING +**

**PLEASE RETURN THIS CHECKLIST WITH APPLICATION PACKET UPON SUBMITTAL. ONLY USE CITY FORMS. IF MORE SPACE IS NEEDED, USE ATTACHMENTS. COMPUTER GENERATED APPLICATIONS ARE NOT ACCEPTABLE.**

1. **Two\* copies** of completed Land Use Application Questionnaire. **All owners** must sign the Application Certificate. The notarized power of attorney must contain the names of all owners.
2. **Two\* copies** of the site plan and floor plan on separate sheets (do not attach them together) drawn at a scale to accurately delineate the project (**no larger than 11" x 17"**). Refer to the Site Plan Checklist for specific requirements.
3. **One copy** of a Letter of Authorization from the property owner addressed to the City of Yucaipa that provides their approval of the proposed temporary Outdoor Seating Area. This can be also be satisfied by having the property owner sign the application page.
4. If your business serves alcoholic beverages, submit **one copy** of the Alcoholic Beverage Control (ABC) License.
5. If your business proposes seating within the Public Right-Of-Way (ROW), submit **one copy** of the Proof of Liability Insurance naming the City of Yucaipa as additional insured. *Please note, seating within the ROW requires a separate Encroachment Permit through the Engineering Division.*
6. If your business proposes to use a tent, canopy, or other similar shading device, provide **one copy** of the flame resistance certificate(s) from the tent manufacturer or rental company.
7. If temporary signage is proposed, provide **one colored copy** of the proposed sign.

## **PART B: PLAN CHECKLIST FOR TEMPORARY USE PERMIT**

**SITE PLAN:** A site plan is a detailed drawing, preferably to scale, on one (1) sheet of paper (**maximum 11” x 17”**) of the entire land parcel showing buildings, improvements, other physical site features, and all dimensions. Please make every effort to draw plans to scale, and ensure that plan details are legible to facilitate a more expeditious review.

**All items listed below must be on the site plan. The application will not be taken in if any items are left off. PLEASE RETURN THIS CHECKLIST WITH APPLICATION PACKET UPON SUBMITTAL.**

1. **Identification:** Indicate names, addresses, and telephone numbers of the Record Owner, Applicant, and the business name.
2. **Site Location:** Provide the address and suite number(s) for the business, and include the Assessor’s Parcel Number (APN) for the property.
3. **North Point:** Indicate north point, date of drawing, and the scale. The direction of the “north” arrow should be shown pointing towards the **top or right hand side** of the site plan.
4. **Dimensions:** Indicate property lines and show dimensions.
5. **Roads:** Indicate the name, location, and width of all boundary streets or private road easements on the property.
6. **Drainage:** Indicate any drainage areas, including detentions basins, that are located on the property.
7. **Structures (Project Area):** Indicate all existing structures on the property, including but not limited to buildings, shading devices, walls, fences, signs, curbs, driveways, and sidewalks. For buildings, indicate their building footprint dimensions and square footage.
8. **Parking:** Show parking areas for the site project: To assist in the development of the proposed outdoor seating, include the following details:
  - a. Indicate locations of the parking stalls. Identify any handicap and/or compact spaces, as well as loading zones.
  - b. Show dimension/type of parking spaces, aisle/driveway widths and directional arrows indicating the flow of traffic.
9. **Outdoor Seating:** Show which areas within the Public Right-of-Way, shared common area, or parking lot that are to be designated for the Additional Outdoor Seating area. Include the following details:
  - a. If seating is proposed within a parking lot, identify the number and location of parking spaces that will be occupied by dining services.
  - b. Identify access that will be provided from the place of business to the outdoor seating

area.

- c. Identify the location and number of tables and chairs to be used. Indicate the distances between each proposed table and any path of travel around the proposed seating area and entering/exiting the place of business.
- d. If a screening barrier is proposed, identify the type and location of the proposed barrier.
- e. Include a tally showing the total number of seats to be provided.
- f. If a shading device is proposed, identify the type, square footage, height, and location of the proposed shading device. Provide one colored brochure or photo example of the proposed shading device.

**FLOOR PLANS:** On a separate sheet, provide floor plan diagrams of the existing (pre-COVID-19) and proposed COVID-19 TUP layout. A floor plan is a detailed drawing, shown as the view from above, that details the interior layout of the existing business. **The floor plan shall be printed on a separate 11" x 17" sheet and all details should be legible.** Indicate which seating areas shall continue to be used for dining services, and show the distances between each table/seat that are to be used. Show all paths of travel within the place of business.

## **Exhibit A**

### **Additional Outdoor Seating Regulations**

#### **Introduction:**

The City of Yucaipa is committed to supporting its local businesses and ensuring the health, safety, and welfare of its citizens. As part of the phased approach of reopening of businesses, the state and County of San Bernardino has permitted restaurants to resume operations, but with reduced occupancy requirement. Further, California's COVID-19 Industry Guidance: Dine-in Restaurants (Guidance) has provided information to support a safe and clean environment for workers and customers. Compliance with the Guidance, and the state and county orders, could result in a reduction of tables that may financially impact a restaurant in which it is not cost effective to operate. Further, as additional types of businesses reopen, including wineries and breweries, similar occupancy limitations may be required that also impact their operations.

By issuing a *COVID-19 Temporary Use Permit (COVID-19 TUP)*, the City is permitting and giving flexibility to restaurants, breweries, and wineries to temporarily expand their footprint into parking lots and other common areas to accommodate dine-in service at, or near, their pre-COVID-19 levels. The City is also providing additional social distancing opportunities to increase safety of restaurant personnel and patrons, consistent with the state and county orders. These regulations provided below and implemented through the newly created COVID-19 TUP application, and give the necessary guidance for restaurants and other similar establishments to follow while the limitations of occupancy remain to ensure that potential conflicts with the proposed Additional Outdoor Seating and the existing commercial site design do not occur.

#### **Relevant Agency Requirements:**

To be issued a COVID-19 TUP, restaurants must remain in compliance with the following:

- COVID-19 Industry Guidance: Dine-in Restaurants document
- County of San Bernardino COVID-19 related Orders.
- County of San Bernardino Environmental Health regulations.
- California Alcohol Beverage Control (ABC) regulations.
- Yucaipa Municipal Code.

#### **General Requirements:**

The following provides a brief outline of the requirements and general limitations of the Additional Outdoor Seating area process:

- A COVID-19 TUP shall be approved by the City Planner to authorize the additional outdoor seating areas, and shall remain in effect while the businesses are required to operate at reduced seating capacities.
- A COVID-19 TUP cannot authorize a combined capacity (indoor and the proposed outdoor capacity) beyond what was the original indoor capacity that had been permitted prior to the COVID-19 emergency declaration.
- No fees are required with the submittal of the COVID-19 TUP.

- ADA accessibility shall be maintained at all times, and cannot be impacted by the additional outdoor seating areas.
- A letter of permission from the property owner must be submitted with the COVID-19 TUP.
- Where applicable and possible, commercial centers with more than one restaurant shall cooperate in preparing their COVID-19 applications to reduce potential dining conflicts and should work to create a centralized seating area.
- Social distancing must also be maintained to individuals in a public sidewalk or from anyone that may be standing in line for seating or take out.
- Restaurants that have a previously-approved alcoholic beverage license may continue to sell alcoholic beverages in accordance with the ABC Fourth Notice of Regulatory Relief (or any successor Notice) within the additional outdoor seating areas and all other applicable ABC requirements. It is the applicant's responsibility to ensure compliance with ABC requirements or permits needed for the additional outdoor seating area.
- All dining areas must be maintained, and shall be kept clean of litter.
- Areas subject to COVID-19 TUP are for dine-in serving of food only and shall not be used for live entertainment.
- Additional outdoor seating areas shall not be used from the hours of 10:00pm to 6:00am.
- The City reserves the right to modify the layout of the additional outdoor seating to address any conflicts observed.

#### **Outdoor Seating Areas Guidelines:**

Outdoor areas adjacent to a restaurant, winery, or brewery may be used to expand their footprint under the following guidelines:

- Outdoor seating areas may include parking lots and unused patio areas, and in some cases, may include sidewalk areas, provided pedestrian access and ADA requirements are met.
- The allowable number of parking spaces to be utilized for outdoor seating will be the minimum necessary, but shall be determined on a case-by-case basis.
- Outdoor seating areas cannot block any drive aisles, driveways, or ADA-designated spaces within a parking lot.
- If use of public sidewalks are being proposed, City authorization must be obtained via issuance of an encroachment permit. Proof of insurance may be required naming the City as additional insured in addition to all encroachment permit requirements.
- Outdoor seating areas cannot interfere with deliveries. If space is limited, the restaurant can provide alternative hours for deliveries that are outside of normal operating hours.
- Tents and canopies are allowed subject to compliance with all required Fire and Building codes. If the seating area will include any tents or canopies, obtain copies of the flame resistance certificate(s) from the tent manufacturer or rental company.
- Seating cannot be expanded into unimproved properties or areas identified as open space, drainage or detention areas of the site.

#### **Buffering Requirements:**

- Depending on the location, temporary buffers between the additional outdoor seating areas and any adjacent drive aisles may be necessary. Subject to City approval, buffers may consist of the following:
  - Planters
  - Railing
  - Cabling
  - Other mechanisms deemed appropriate by the City.
- Reflective elements must be installed at the outdoor dining area corners.
- Buffers should be attractive in design.

Signage:

- Each business is permitted to have one temporary free-standing (12 square foot maximum) sign that advertises the additional outdoor seating area. The free-standing sign can be placed within the additional outdoor seating area, facing the path of travel.
- Directional and safety signs are exempt from this requirement.

**TUP-COVID-19 Application:**

To provide for the review of any proposed additional outdoor seating area, applicants are required to complete and submit a COVID-19 TUP application (separate attachment). The COVID-19 TUP application provides details on what elements are required, and includes the following:

- Letter of permission from property owner acknowledging authorization of the restaurant expansion.
- Text and square footages of promotional signs if any are to be used
- Indicate originally-approved occupancy, and occupancy with additional outdoor seating areas
- Indicate the number of parking spaces to be used
- A site plan showing the proposed additional outdoor seating area and its relationship to the site and the place of business. Details of the seating configuration, seating area access, site buffering, and methods to minimize conflicts with the rest of the commercial site shall be included.

**Cancellation:**

A COVID-19 TUP shall be cancelled for any of the following reasons:

- Upon the termination of the local emergency by the City Council.
- Failure to comply with the COVID-19 Industry Guidance: Dine-in Restaurants.
- Failure to remain in compliance with applicable regulations.
- Failure to comply with the COVID-19 TUP permit.
- For disturbance of the quiet enjoyment of nearby residents and businesses.